

REMARKS

Applicants again thank the Examiner for his time and attention to the present application. Claims 97-130 are added by the present amendment, such that Claims 1-7, 9-25, 27-35, 49-57, 59-72, 74-95, and 97-130 are presently pending and Claims 8, 26, 36-48, 58, 73, and 96 are cancelled. Amendment has been made to Claims 1, 4-7, 9-20, 23-25, 29-32, 49, 52-54, 56, 61-64, 66-69, 71, 77-80, 82, 85, 86, 88-90, and 92-94.

For example, Applicants note that Claim 1 has been broadened to clarify that the computer(s) which perform(s) the method steps of Claim 1 need not be limited to a so-called "moderating" computer per se, but, consistent with well-known principles of computing, can be any suitable computer(s) and/or combination thereof, whether it be a moderating computer, an adjunct computer, or any other computer.

Claim 1 is also amended to refer to a "first" portion of the plurality of energy Providers and a "second" portion of the plurality of energy Providers. Such amendment is for the purposes of clarification, e.g., antecedent basis. However, the "first" portion and the "second" portion shall not be construed so as to necessarily require mutually exclusive sets of providers, partially overlapping sets of providers, and/or completely overlapping sets of providers.

As another example, Applicants note that Independent Claims 49 and 86 have been amended to clarify that such claims require a nexus with computer technology. Though Claims 49 and 86 previously recited features referencing computerized technology, e.g., “transmitting,” “processing,” etc., Claims 49 and 86 have been amended to recite that the automated bidding process is “utilizing at least one computer.” In other words, neither Claim 49 nor Claim 86 (nor any other claim of the present application) shall be construed in a manner so as include within their scope a method that can be performed in its entirety by “mental steps” only.

Additionally, grammatical revision has been made to the priority claim, e.g., including making the claim flow as a “single sentence.” No petition is required for such amendment, because Applicant has added no new substantive information beyond what was already filed with the specification, and because the filing receipt is correct.¹

In view of the foregoing amendments and remarks, Applicants respectfully request allowance of all pending claims, i.e., Claims 1-7, 9-25, 27-35, 49-57, 59-72, 74-95, and 97-130.

¹ See M.P.E.P. § 201.11 at p. 200-66 (8th Ed. Rev. 5). “If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 C.F.R. 1.78(a) and the surcharge under 37 C.F.R. 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 C.F.R. 1.78(a) by filling an amendment to the first sentence(s) of the specification or an ADS.” Id.

As indicated above, this Amendment is being submitted as a Submission together with an RCE and an Information Disclosure Statement (IDS). The RCE includes a Request to Suspend Action for Two (2) Months Under 37 C.F.R. § 1.103(c), during which time Applicants intend to file a Supplemental Information Disclosure Statement (SIDS). Applicants respectfully request consideration of the IDS and SIDS prior to examination of the claims as amended by the present Amendment.

If the Examiner has any questions or other matters whose resolution could be advanced by a telephone call, the Examiner is invited to contact the undersigned at his telephone number below. The Examiner is authorized to charge any fees, including the fees for the RCE, the Request for Suspension of Action Under 37 C.F.R. § 1.17(i), any applicable extra claim fees, the IDS, etc., charge any deficiency, and/or credit any overpayment to Deposit Account 503571.

Respectfully submitted,

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